

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

Crl.MC.No. 3559 of 2007()

CRL.A.NO.263/07 OF ADDL. SESSIONS COURT, FAST TRACK-I, ALAPPUZHA
C.C.036/05 OF J.F.C.M.-II, CHERTHALA

PETITIONER: APPELLANT

FRANCIS JOSEPH @ THANKACHAN,
S/O JOSEPH, CHARANKATTU HOUSE,
KANJIRAMCHIRA WARD, ALAPPUZHA.

BY ADV. SRI.GEORGE SEBASTIAN

RESPONDENTS: RESPONDENTS

1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.
2. K.A.SOMAN, S/O APPY THANDAR,
ANIZHATHU VEEDU, KADAKKARAPPALLY,
P.O.CHERTHALA.

BY PUBLIC PROSECUTOR SHRI M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 28/11/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R. BASANT, J.

.....
Crl.M.C. No. 3559 OF 2007
.....

Dated this the 28th day of November, 2007

O R D E R

The petitioner has come to this court with this petition under section 482 Cr.P.C. for a short extension of time to make payment of the cost of Rs.500/- as directed by the learned Additional Sessions Judge by the judgment dated 18.10.07 in Crl.Appeal No.263/07. The learned Judge had directed that on deposit of an amount of Rs.500/- before the trial court on or before 20.11.07, the verdict of conviction and sentence shall stand set aside. It was also observed that if the petitioner/accused fails to deposit the amount of Rs.500/- as directed, the appeal shall stand dismissed.

2. The petitioner has come to this court on 27.11.07. He laments that the copy of the appellate judgment was not received in time. He was hence not able to ascertain the date for payment. Consequently, he could not comply with the direction. He is now prepared to make the payments. The counsel submits that the petitioner shall make the payments by paying a higher amount if

so directed by the court.

3. In the facts and circumstances of the case, I am satisfied that this petition can be allowed and the petitioner can be granted permission to deposit a higher amount as cost within a stipulated period of time.

4. This petition is accordingly allowed. If the petitioner deposits an amount of Rs.1,000/- (Rupees one thousand only) before the learned Magistrate on or before 7.12.07, the learned Magistrate shall reckon the same as sufficient compliance of the judgment of the appellate/Additional Sessions Court and shall proceed accordingly. The amount deposited shall forthwith be released to the complainant.

Handover a copy of the order today itself.

(R.BASANT, JUDGE)

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